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# CIVIL AND POLITICAL RIGHTS

Written statement*/ submitted by Human Rights Watch,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

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Throughout the world, severe violations of civil and political rights have continued during 2000. We want to highlight for the Commission just a few situations and underscore the urgent need for ending the cycle of impunity for these violations.

**Algeria**

In Algeria, no progress has been achieved in locating or determining the fate of the thousands of Algerians who "disappeared" after being abducted by the security forces since 1992. Despite President Bouteflika's welcome acknowledgement of the problem, government officials have disclosed little beyond often-conflicting statistics that downplay the scope of the problem and attempt to portray the "disappeared" as persons who, for the most part, joined or were abducted by armed groups.

Organizations composed of families of the "disappeared" have documented well over 4,000 cases where there is evidence of security-force involvement; some human rights lawyers believe the actual number of cases exceeds 10,000, most dating to the period 1993 to 1997.

The documentation work is stymied by the fear many relatives have of coming forward, as well as government restrictions on the organizations involved, including denial of legal recognition and the forcible dispersion of its public rallies on several occasions. Families that have written to various branches of the government and security forces have, almost without exception, received no credible information in response. Meanwhile, the government has furnished specific information to U.N. bodies on many "disappearance" cases that was both factually questionable and never provided to the families themselves.

**Chechnya**

The 56th Commission adopted a resolution that called upon the Russian government to establish "a national, broad-based and independent commission of inquiry to investigate promptly alleged violations of human rights and breaches of international humanitarian law committed in the Republic of Chechnya in order to establish the truth and identify those responsible, with a view to bringing them to justice and preventing impunity." It also called for OSCE deployment and for visits to the region by relevant U.N. special mechanisms.

Over the past year, Russia has persistently resisted implementation. While the Council of Europe has three staff in the region, the OSCE is blocked. None of the Commission's special mechanisms has been invited to visit the region, and the invitation to the High Commissioner following her visit has never been honored. Most significantly, the government has failed to establish a national commission of inquiry or to pursue any other serious investigation of alleged atrocities committed in Chechnya, including more than 125 summary executions and the arbitrary detention and torture of hundreds. These violations continue; in Chechnya today, civilians no longer hide from bombs, but from men in black masks. Russian troops continue, in the course of their duties, to engage in widespread looting and burning of homes, arbitrary detentions, torture, extortion, and disappearances.

The Russian government has established mechanisms by which victims may report abuses; while welcome, this is no substitute for the accountability demanded by the Commission. The procuracy has undertaken a few investigations, but has neglected the worst crimes, failing to

interview witnesses, exhume bodies, or gather other crucial evidence. Russian authorities clearly have no intention of holding accountable those responsible for these crimes. Therefore, Human Rights Watch calls upon the Commission to establish an international commission of inquiry, mandated to investigate and document atrocities committed by both sides to the conflict in Chechnya.

**The Democratic Republic of Congo**

The Democratic Republic of Congo (DRC) continues to be wracked by a devastating war, with all sides responsible for abuses against civilians. The mainstream RCD-Goma rebel faction, which is backed by Rwanda, has been responsible for extrajudicial executions often conducted in retaliation for raids by its opponents, who also committed atrocities against civilians. In towns, RCD soldiers routinely arrested and tortured dissidents and civil society leaders. Uganda trained tens of thousands of young Congolese to raise armies for its local allies, the Liberation Movement for the Congo (MLC), and the Congolese Rally for Democracy-Liberation Movement (RCD-ML). Frequent leadership disputes in the RCD-ML exacerbated ethnic tensions and reignited a deadly war in areas under its control between the pastoralist Hema and the agriculturalist Lendu people in which thousands of villagers were killed, and tens of thousands were displaced. Rwandan and Ugandan forces fought particularly destructive battles for the control of Kisangani in mid 2000.

Of the 5,537 peacekeepers the U.N. planned to send to the DRC under a United Nations Observer Mission in the DRC (MONUC) to support a peace agreement the warring parties signed in August 1999, only 224 unarmed military observers were deployed by this writing. The Security Council on December 14 extended MONUC's mandate to June 15, 2001, and called for the strengthening of its human rights' component. We endorse that call, and urge closer cooperation between MONUC and the High Commissioner for Human Rights' Field Office in the DRC.

Roberto Garreton, the U.N. special rapporteur on the DRC, visited the country in August at the invitation of the government, the mainstream RCD-Goma faction, and the MLC. The High Commissioner's Field Office, and its branch office in Goma, played active roles in promoting and protecting human rights in government and rebel areas. We urge the Commission to renew the mandate of the special rapporteur and to provide him, as well as the Field Office, with the necessary resources for meaningful interventions.

We urge the Commission to call on the Security Council to address the urgent question of impunity for atrocities in the DRC. Specifically, the Commission should press for the establishment of a U.N. Commission of Experts to investigate and determine responsibility for grave violations of human rights and humanitarian law in the DRC. This would implement a key 1998 recommendation of the Secretary General's Investigative Team in the DRC (SGIT) but also serve to address and perhaps help halt on-going atrocities. The temporal mandate of the Commission of Experts should thus reach back to 1993 -- to complete the work the SGIT was prevented from doing -- and continue to the present. The Commission of Experts could also recommend to the Security Council an appropriate mechanism to bring to justice persons responsible for violations.

**East Timor**

There is an urgent need for serious reconsideration of an international criminal tribunal for East Timor. Creation of such a tribunal, recommended by the International Commission of Inquiry on East Timor (ICIET) in its report of January 31, 2000, was put on hold at the request of the Indonesian government while it pursued justice in its own courts. More than one year after the violence, however, Indonesia has done virtually nothing to show that it is serious about prosecuting the most senior culpable military and police officers. As of January 2001, even lower level suspects had not yet been indicted by Indonesian authorities.

The United Nations and its member states have a particular obligation to see that justice is done for the crimes committed in East Timor in 1999. The U.N.'s own investigation documented a pattern of systematic and widespread intimidation and terror, destruction of property, violence against women, forced displacement, and attempts to destroy evidence. U.N. personnel, dependent on Indonesia to provide security, themselves became targets of the violence and helpless witnesses to the crimes. Prosecutors in Dili indicted eleven suspects in 2000, but masterminds of the 1999 violence were not among them and it is unlikely that key suspects will ever be prosecuted in East Timor.

Accordingly, Human Rights Watch urges the Commission to call for creation of an international tribunal and to lay out a timetable for its formation, absent clear progress in Indonesian and East Timorese courts. In his cover letter accompanying release of the international inquiry report in January 2000, U.N. Secretary-General Kofi Annan announced that he would "closely monitor progress" of the response to the crimes in East Timor to see that it is a "credible response in accordance with international human rights principles." Indonesia has fallen far short of this standard and it is time for a more determined, direct international role in ensuring accountability. Otherwise, the credibility of the U.N. system will be seriously compromised.

**West Timor**

The Commission should also insist that Indonesia comply fully with U.N. Security Council Resolution 1319, calling for "immediate and effective action" to resolve the ongoing crisis in West Timor. It must disarm former militia members in West Timor, punish those responsible for the terror in East Timor last year and for criminal acts committed in West Timor, and provide protection and assistance such that all refugees are able to choose free from coercion whether to return to East Timor or be resettled in Indonesia. Under international pressure, Indonesia has taken some steps to address the crisis, but as of the start of 2001 many refugees continued to be effectively trapped by the same forces responsible for the 1999 carnage in East Timor.

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